

## The Indigenous Land Struggles Amidst the Pressures for Change in the Lake Toba Areas of North Sumatra, Indonesia

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### ABSTRACT

Many *Masyarakat Adat* (Indigenous People), including those in the Lake Toba areas of North Sumatra, Indonesia, struggle to protect their rights to land and resources. This article examines the agencies and dynamics of indigenous-land-related development in Lake Toba amidst modernization, focusing on their roles, relationships, perceptions, interests, and strategies. Semi-structured interviews using snowball sampling were conducted with Indigenous People around Lake Toba, local NGOs, and local government representatives. Five key groups were identified in the process of procuring Indigenous land use rights for the Toba Batak ethnic group: tribal leaders (elders), community members, land dealers, local government, and NGOs. The study found that the Indigenous People's movement faces challenges beyond political economic structural vulnerabilities, which include economic pragmatism, diminishing cultural values, and rising individualism among community members. The study advocates for political empowerment through multiple strategies that enhance knowledge of the environment and cultural heritage. Legal reforms focused on Indigenous People's rights and economic empowerment are fundamental in this light. While individual land registration should continue, communal land recognition and protection can also be supported through legal reforms for customary land ownership.

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### KEYWORDS

*Masyarakat Adat*; Indigenous Peoples; Indigenous land; Batak; Lake Toba; North Sumatra.

## 1. INTRODUCTION

Globally, many Indigenous communities face ongoing struggles to protect their rights to land and resources. There is, however, a growing international movement to recognize Indigenous knowledge and traditional practices as essential for sustainability and environmental resilience (Berkes, Colding, & Folke, 2000). Alongside this, efforts to safeguard Indigenous land rights are gaining traction, with calls for stronger legal protections and policies that respect Indigenous stewardship (Dhialuq & McCarthy, 2020; McCarthy and Robinson, 2016).

In Indonesia, the Indigenous People's movement gained momentum after the fall of the New Order regime in 1998 (Moniaga, 2004). The Reformasi era (post-1999) allowed greater freedom to voice concerns, including those related to Indigenous lands and resources. However, the uncertain and complex legal system regarding Indigenous People in Indonesia has led to pragmatic approaches (Bedner & Arizona, 2019). Additionally, the term 'Indigenous People' is contested in Indonesia, where *Masyarakat Adat*, literally translated as 'customary communities'. Over time, social movements have increasingly linked global formulations of Indigenous People as the common translation of *Masyarakat Adat*. Some official documents use the term 'Adat community' to refer to what is internationally recognized as Indigenous people (Government of Indonesia, 2015; 2022). Nonetheless, many still use the term 'Indigenous People' in various contexts. Since 1999, there have been at least sixteen laws governing the existence and rights of Indigenous Peoples in Indonesia (Warman,

2014). These laws gave hope to their struggles, but many people perceived them as burdensome (Silalahi, 2022; Robinson, 2019). Some even perceive that the enacted laws and issued decrees or regulations are founded on suspicions of their indigeneity and a lack of empathy for their struggles (Silalahi, 2022).

Moreover, the laws also require *Masyarakat Adat* (Indigenous People) to prove their indigeneity by showing that their ways of life are traditional or *Adat* enough (Robinson, 2019). Hence, it pushes people to frame their struggle based on Indigenous rights (Dhiaulhaq & McCarthy, 2020), even to the extent of reifying their *Adat* to fulfill the laws' requirements (Arizona, Wicaksono, & Vel, 2019), a condition not every Indigenous community can fulfill (Robinson, 2019). While *Adat* has a broad scope of definition that "indicates an often-undifferentiated whole constituted by the morality, customs, and legal institutions of ethnic or territorial groups and even comprised the world of the supernatural and beliefs" (Von Benda-Beckmann & Von Benda-Beckmann, 2011, p.168), it is nevertheless often connoted with traditionality, folkloricism or even backwardness (Robinson, 2019).

In 2014, the President of Indonesia pledged six commitments to recognize and protect *Masyarakat Adat's* (Indigenous People) rights. Despite some progress, significant challenges remain in resolving Indigenous land conflicts, particularly within the judicial and political spheres (Muntaza, 2014). Some land conflicts remain unsolved. One notable conflict has unfolded in the Lake Toba areas, North Sumatra, where land concessions overlap with Indigenous lands, leading to violent clashes and fatalities during protests (Robinson, 2019). These conflicts attracted attention from various stakeholders, including the central government, and national and international NGOs. Some protests led to the recognition of Indigenous land ownership, while many efforts remained fruitless. In December 2016, the President of Indonesia issued a decree granting land rights to nine Indigenous People groups, including the Batak people from North Sumatra (Robinson, 2019; Sinurat, 2019). This milestone inspired other groups, but only partially addressed the broader issue of land conflicts in the region.

As many Indigenous groups initiate or continue their efforts to safeguard their land rights, it is vital to explore these dynamics at the local level. The agencies involved in Indigenous-land-related development come from diverse backgrounds and hold varying capacities, with different interests and approaches to development. Gaining insight into these dynamics is essential for praxis, specifically in formulating effective strategies for land rights protection. This study aims to answer the question: how do various agents involved in Indigenous land-related development in the Lake Toba area exercise their agency in ways that support or hinder the protection of Indigenous land rights? To address this, the study explores these agents' roles, relationships, perspectives, interests, and strategies in the context of Indigenous land development.

### **1.1 Agency and culture in the land development process**

The development process is defined as "the transformation of physical form, the bundle of rights, and material and symbolic value of land and buildings from one state to another, through the efforts of agents with interests and purposes in acquiring and using resources, operating rules, and applying and developing ideas and values" (Healey, 1992, p.36). This definition highlights that development involves the transformation of land, agents, resources, rules, ideas, and values, creating a dynamic process that can either advance or hinder the intended development. Agents, with their varying interests and goals, employ different strategies to maximize benefits under existing rules. Thus, in land development, decision-making is framed by the value of land or the environment (Healey & Barrett, 1990). The land's value influences the

actions and strategies of agents involved in the development process.

The Lake Toba areas have faced pressures for change due to various economic development interests and approaches, including tourism development, involving agents with different levels of influence during decision-making and negotiation processes (Bryant *et al.*, 1982). Each agent's strategies impact land development, and their roles and strategies can be analyzed by considering the relationship between their interests and actions (Zhai, 2020; Healey & Barrett, 1990). Agents are part of the social structure and are influenced by their cultural values (Harvey, 2002). These cultural values, intentionally or unintentionally, shape the interests, strategies, and actions of various agents (Healey, 1992). Investigating the cultural values of agents and their capacity (agency) is critical for understanding how they influence land development negotiations. In this context, cultural values refer to the way of life of Indigenous People, based on their traditional values, beliefs, and knowledge, particularly the value of Indigenous land, known locally as *Tanah Adat* or *Tanah Ulayat*.

Economic investment and tourism development have increased the commercial value of land in the Lake Toba areas. However, most land is owned communally by Indigenous People governed by customary rules and norms. Despite close communal or family ties, there has been an increase in land sales, transferring land rights to people outside the community, which is officially prohibited by traditional customs (*Adat*). These land transfers have led to land conflicts, often directly or indirectly related to tourism development.

## 2. RESEARCH METHODS

### 2.1 Study area

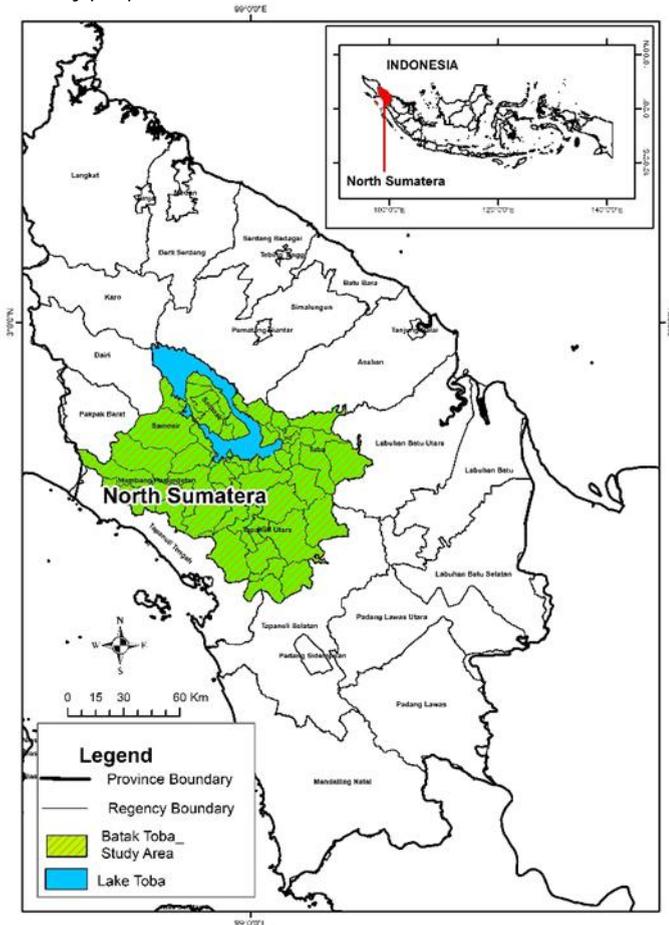
This study was conducted in four regencies around Lake Toba in North Sumatra where the Toba Batak people reside (Figure 1). The Toba Batak is one of the six sub-ethnics of the Batak people which consists of Toba, Simalungun, Karo, Mandailing, Pakpak, and Angkola. In Toba Batak's Adat laws, land has an important role and meaning. It not only has economic, social, and political considerations, but also ecological and religious functions (Vergouwen, 1986; Firmando, 2021). The Batak people, including the Simalungun Batak, even hold a special ritual, called *Manganjab* (worshipping), to pray for the fertility of the land and as a way to show respect to the land and persuade the *Mula Jadi Na Bolon* ("the Great Beginning", the supreme God in the Batak traditional belief) to be generous for the next harvest season (Indonesia, 2019). The Toba Batak people also hold a *Horja Bius* (the council assembly) ritual for strengthening the relationship between villages in one area and respecting the Elders who pioneered the village establishment (*Raja Bius*).

In Toba Batak society, while individual land ownership is recognized, much of the land is managed communally under the authority of the *Raja Bius* (the pioneers of the village establishment) of the *Huta* (village) (Naibaho & Su, 2025). These leaders collectively hold supreme power over land use rules and can assign land parcels to specific families, particularly those accepted by the *Raja Bius* to live in the village, though the land remains clan property. Those cultivating clan land cannot transfer it to others, either by renting or selling.

The society is patriarchal, and daughter(s) (*Boru*) do not inherit land. A married man living in his wife's village assumes the role of indwelling *Boru*, often with limited rights over Indigenous land and village affairs. If a married daughter resides in her parents' village, her parents provide land for her new family, which is inherited by her descendants but cannot be transferred to others. The status of *Boru* and indwelling *Boru* in village affairs varies across regions and depends on the village's history and the

*Boru's* contributions (Vergouwen, 1986).

Providing land to other people is deemed the highest form of gift and could only be given with special rituals as the Toba Batak deem lands as sacred. The land is considered the most important gift because the land is the source of life. Except when given as a gift, the custom of the Toba Batak prohibits the transfer of land ownership. However, in urgent cases, land transfer is allowed between kinship or people who live in the same village (Firmando, 2021). Transferring the land to outsiders is viewed as selling the motherland. Undeniably, changes have occurred during the last fifty years which provide evidence of a shift to a more secular approach (Vergouwen, 1986), whereby people have sold their land to outsiders.



**Figure 1.** Map of the North Sumatra Province with the location of the study area

**2.2 Operationalization: Data collection and analysis**

The analysis of the role and relationship of the involved agents in the Indigenous-land-related development process in the Indigenous peoples was conducted using a qualitative approach. Based on the local context, the researchers identified a different number of agents that, presumably, have power in the decision-making of Indigenous-related-land development (Bryant et al., 1982). The identified agents are the tribal Elders (*Adat* leaders or *Raja Bius*), the community members as the land owners, the

government, the local NGO, and the land dealers, as shown in Table 1.

The main characteristic of respondents selected for this study are people that have identified themselves as the Indigenous community, mainly through their active participation in the land advocacy group to protect their Indigenous land and have a deep relationship with their ancestral lands. The selection of interviewees followed a purposive sampling approach, where individuals were chosen based on their characteristics to address the research questions, as outlined by Saumure and Given (2008). In alignment with the study's objectives and the local context, the selection criteria adhered to the Toba Batak traditional governance system, which encompassed the *Raja Bius* or their descendants, the indwelling *Boru* (refer to section 2.1), active participants of the advocacy groups, and non-members of the advocacy groups.

**Table 1.** Semi-structured interviews

Category of the interviewees	Description
The community members	Five people from each village; four villages from the four regencies (n=20).
The Tribal leaders (Elders)	The member or descent of the Raja Bius; one leader from each village (n=4).
The local government's representative	One public official from the regency office represented the local government (n=4).
The local NGO	This NGO advocates the local community regarding land conflict in four regencies (n=2).

Fieldwork lasted more than six weeks for interviews and involved gaining perspectives of land issues. This was conducted in the four regencies around Lake Toba, namely Samosir, Toba, North Tapanuli, and Humbang Hasundutan, with the Toba Batak people. The main fieldwork was conducted from June to August in 2017, and a follow-up visit took place in 2022 for a general observation related to land sales in the four regencies. Preliminary data was collected from the news and the local NGO. The researcher selected one village from each regency where tourism development projects or land conflict occurred or was occurring, and for which advocacy had been undertaken by the indicated NGO. Table 2 shows the description of each village and the motivation to select them as research areas.

**Table 2.** A descriptive account of land conflicts in selected villages

Village	Background	Status
LS village, Parmaksian, Toba regency	Prolonged land conflict; located near a pulp plantation company, whose land concession overlaps indigenous lands.	Ongoing struggles; have applied to demand return of indigenous territories to the Ministry of Forestry and Environment (MoFE) through the indigenous forest mechanism.
PMB village, Parlilitan, Humbang Hasundutan regency	Prolonged land conflict; located near a pulp plantation company, whose land concession overlaps indigenous lands.	Ongoing struggles; have applied for return of indigenous territories to the MoFE through the indigenous forest mechanism.
BRNO village, Hutaginjang, Tapanuli Utara regency	Land conflict with the MoFE; indigenous land overlapping MoFE protected forest area and close to tourism development.	Ongoing struggles; decided to establish an official indigenous organization and have applied to MoFE through the indigenous forest mechanism.
SMM village, Samosir Regency	Land conflict with government for indigenous land overlapping	This village has not taken significant action.

Village	Background	Status
	a geopark area; village is close to tourism site and an information center for the UNESCO Geopark.	

The local NGO facilitated contact with local village representatives during the researcher's minimum two-week stays in their respective homes for participant observation. However, in the case of the PMB village, where there was considerable hostility towards researchers and media, the researcher's stay was limited to just two days. In this challenging environment, the designated contact person played a crucial role in identifying suitable interviewees based on predefined characteristics (refer to Table 1).

The researcher conducted semi-structured interviews to glean insights from the local community and traditional leaders concerning their perspectives, interests, objectives, and strategies regarding land rights protection within the context of land development. The aim was to understand how the residents responded to the opportunity to certify and sell their lands, or reclaiming their indigenous lands that are under conflict. In the case of the PMB village, where the environment was not conducive for one-on-one interviews, the researcher opted for a semi-structured group-interview involving four individuals who were members of the advocacy group. Fortunately, the researcher also managed to carry out an impromptu interview on the bus with someone outside the advocacy group as the researcher was leaving the village. In addition, as the act of selling land was considered a 'hushed business', it was challenging to find the land dealers or the land sellers in the area for the interview. The researcher then decided to utilize internet searches to find land advertisements and land sale offers in the Lake Toba Areas, mainly related to the four regencies included in this research. The results were then triangulated with follow-up interviews with NGO staff and local government representatives.

Data generated from the transcribed interviews were analyzed with the qualitative analysis method by categorizing, sequencing, and synthesizing the data based on the interview questions (De Vaus, 2002). The analysis was subsequently conducted by coding and thematic identification by grouping related information (Babbie, 2004) to analyze the agents' relationships, interests, and strategies in the development process. The data abstraction was also implemented to omit unnecessary information without reducing the meaning and context.

### 3. RESULT AND DISCUSSION

#### 3.1 Agency in the context of indigenous land development among the Toba Batak People *Traditional Leaders (Elders)*

The New Order government of Indonesia (1965-1998) established a unified village governance that allowed the villagers to elect their village Chief through elections (Haryono & Rauf, 2016), rather than following the traditional system where leadership is inherited rather than elected. As a result, the traditional governance system of the Batak people is rarely applied in everyday life, as the modern governance system has taken over many roles. Although complementary in some cases, considerable disagreements arise between these two systems. Nevertheless, the indigenous belief and social system continue to be integral to traditional cultural activities and strongly influence indigenous land tenure. This system underpins communal land ownership, as noted by one of the Elders during an interview:

*“The whole close kinship has to participate in the decision-making for family land. But decisions for communal land are usually made under the supervision of the Raja Bius”* (OP, an Elder/Raja Bius, Samosir regency)

The information from the interviews shows the role of the Elder(s) in decision-making related to land. Ideally, decisions are and should be made after the group discussion, particularly discussion among the *Raja Bius* for the communal lands of the village territory, such as the residential area, the grazing land, the water sources, the graveyard, the sacred place to worship the ancestors, the gathering place for Elders to discuss village affairs, and the forest land.

However, some contradictions emerged during the interviews. For example, a *Raja Bius* in Samosir regency, expressed his disappointment over the communal land designated as a location to build the geopark information center. According to him, as one of the Elders, he was not invited to the discussion between the government and the local representatives. He also mentioned that the location where the geopark information center had been built was communal land that used to be designated as a *Partungkoan* (the gathering place for Elders to discuss village affairs).

Further, the interviewees in the Toba regency, where conflict with the pulp company took place, mentioned that their Elders had been deceived in the past. They highlighted that a group of educated Batak people came from the city and arranged a traditional ritual commonly used to symbolize land transfer from the *Raja Bius* to the indwelling *Boru*. However, the land was included in the land concession of the pulp company for plantation and factory operations.

While the other three villages chose to contest the development projects, the village in North Tapanuli Regency contested the reforestation and protection forest scheme. According to an Elder, the government proposed the idea of reforesting their deforested communal forest in the past. The Elders also mentioned that the land in question was part of the communal land, which are fallow and grazing lands. However, years later, they discovered that the reforested communal grazing and fallow land, was categorized as the protected forest area based on the map issued by the government.

Interviews with Elders in the four villages depict the roles of the Elders in deciding on their communal land. On the one hand, it illustrates that the traditional governance system is still acknowledged and utilized in the four villages, as land decisions are made by or through the Elders. On the other hand, there are shortcomings in the implementation of the traditional system where some people compromise the principle (in Samosir regency), or the traditional ritual is used to disguise the land transfer (in Toba regency), or their traditional land just included the land concession without their knowledge (in Humbang Hasundutan regency), and the traditional land falls under the reforestation scheme (in North Tapanuli regency). These examples indicate that although the community members still embrace cultural values related to indigenous land, this is not sufficient to protect their ownership as they do not possess definite/legal proof of ownership, and people with ulterior motives are able to find loopholes in the traditional custom to facilitate enclosure and sale.

### *3.1.1 Community members*

Community members here refer to individual landowners in the village with varied backgrounds, categorized into four main groups: descendants of the *Raja Bius*, indwelling *Boru*, active participants in advocacy groups, and non-member of advocacy groups. As outlined in section 2.1, it was clear that community members do not hold equal power in land decision-making. The migrants and the indwelling *Boru* are not involved or would have limited participation in the decision-making for communal land. However, they have full authority over the land they acquired individually, as they were

permitted to acquire land outside the communal land for individual ownership. The clan's land already divided among the kinship is considered individual property. For this kind of land, the head of the family usually makes the decision without approval from the Elder(s).

Although many villagers perceive land certification as unusual within traditional customs, an increasing number have registered their privately owned indigenous land. However, traditional norms still govern communal land. Interviewees shared their perspectives on land certification:

*"I registered some of my lands. I am an indwelling Boru here. So, I have limited authority over the land."* (AS, indwelling Boru & non-advocacy member North Tapanuli Regency)

This interviewee believes that certification sufficiently protects his land, irrespective of traditional tenure, and expressed that his position as indwelling *Boru* offers little benefit from joining advocacy efforts. Another interviewee, an indwelling *Boru* from the same village, emphasized community welfare, which motivated him to join the advocacy group:

*"The prosperity of the village also means prosperity for my family."* (MN, indwelling Boru & advocacy member, Toba Regency)

Some interviewees indicated that they abstained from advocacy groups due to lack of connection to the disputed lands:

*"My family are migrants and considered as indwelling Boru, so we certify any land we acquired. I'm not involved in the advocacy group and don't know the details of the land they are fighting for, though I respect their efforts."* (RH, indwelling Boru & non-advocacy member, Humbang Hasundutan Regency)

Each village, under the guidance of a local NGO, has its own land advocacy groups. Although some community members refrain from joining these groups, regardless of their position as part of the *Raja Bius* or indwelling *Boru*. They participate in gatherings to support the reclaiming of indigenous lands. According to interviewees from LS Village in Toba Regency, not all affected members attend regular meetings, though they often join public demonstrations.

However, concerns were raised about community unity, noting a divide between those resisting and accepting corporate influence. Some who benefit economically from the pulp plantation company, through employment or corporate social responsibility (CSR) programs, tend to abstain from advocacy, creating "one of the challenges in our movement" (SM, Toba Regency, interview). In Humbang Hasundutan Regency, interviewees expressed frustration over members dropping out of advocacy efforts due to perceived lack of progress:

*"After struggling for quite a long time with no significant progress, people got tired. They said it is impossible to win over the pulp plantation company."* (SH, descendant of the Raja Bius & advocacy member, Humbang Hasundutan Regency).

The interviews reveal the varying degrees and motivations of community participation in protecting traditional land and maintaining cultural values. The position of the *Raja Bius* or their descendants, or indwelling *Boru* groups significantly influence involvement and attitudes. While not to diminish the efforts of the many

indwelling *Boru* who actively participate in the advocacy group, the findings suggest that those connected to the *Raja Bius* display more rigorous engagement in advocacy.

Another key finding is that despite living in close proximity and sharing tribal heritage, not all community members belong to the indigenous group. Some abstain from formally identifying as member of the indigenous community for various reasons, including their position as indwelling *Boru* with no stake in the land (Samosir, North Tapanuli, and Humbang Hasundutan Regencies), economic benefits received from companies on contested land (Toba Regency), and apathy with the land advocacy outcomes (Humbang Hasundutan Regency).

### 3.1.2 Government

To a certain extent, the central and the local governments have the power to make policies that dictate Indigenous Peoples land development, although the decision-making and negotiation process seems to be happening at the local scale. By land policies, the central and local governments provide room for changes in the land and thus pressure Indigenous People to act or adjust in situ.

The Decentralization Act (Law 22/1999), revised into Law 23/2014, grants the local government certain powers in negotiating or making decisions regarding lands, particularly for the state land in their territory. The Regional Authority includes the ability to adjudicate in the state-land conversion but not the community's land. However, due to the overlapping policies and unclear land titling, many communal lands were annexed to become state land, particularly for forest land, during the New Order Regime. The annexed land is commonly known as the object of land that produces conflicts and victimizes the Indigenous People in the area.

The prolonged struggles of Indigenous People encounter various challenges, including challenges from the government. Government, for instance, makes it a requirement for the Indigenous to fulfill certain characteristics to be categorized Indigenous People. Most requirements are too complicated to fulfil, such as having a clear territory with occupation that predates into periods of Dutch colonization, conducting certain distinct customary laws in everyday life, demonstrating a strong relationship with ancestral land, proving to be part of a closely tied community, maintaining cultural institutions, and even possessing ancient tangible cultural heritages.

Furthermore, the Forestry Act 41/1999 and the Plantation Act 18/2004 require confirmation from the local government through the regional regulation (RR) on the recognition and protection of Indigenous People in its region. Then the RR also needs to be complemented by a decree from the regency's mayor that specifies the recognition of the existence of a specific Indigenous people in the region. The Plantation Act has been revised into Law 39/2014, where the government or the company is prohibited from repurposing or taking control of Indigenous land without the consent of the Indigenous community. Nevertheless, the recognition of Indigenous communities, their existence, and their rights to land and other resources still face significant obstacles. For example, as shown in the previous section (3.1.1.) "People with ulterior motives are able to find loopholes in the traditional custom to facilitate their attempts" to obtain 'consent'. Hence, even if the Indigenous People have struggled for a long time to reclaim their Indigenous lands/forest, their efforts will likely be in vain without the RR and the regional decree. It requires the political will of the local governments. Hence, the governments have critical and sometimes detrimental roles in the rights of Indigenous People governing their lands.

### 3.1.3 Local NGOs

The NGOs, sometimes partisan ones, play an important role in advocating for indigenous people that are tangled up in land conflicts. They help educate them about their rights to traditional land. They guide Indigenous groups in fulfilling the requirements and propose the return of their Indigenous lands or forest. NGOs often contact the local and central governments and mobilize Indigenous People for land rallies to protect their rights. The local NGO representatives were also respondents in this research. In terms of the NGOs' role, they said:

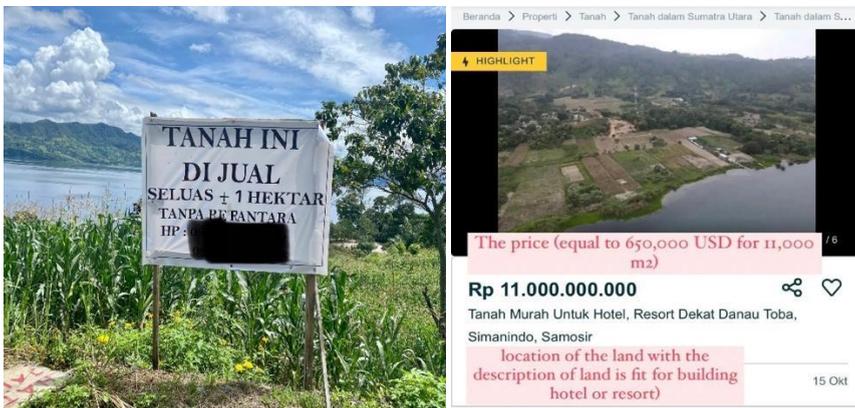
*“There are many cases where Indigenous People face difficulties as they do not have much resources and knowledge to protect their indigenous land. We are here to advocate and to educate them about why and what they can do to protect their land.”* (The KSPPM staff, a local NGO)

According to Silalahi (2022), with the assistance of several NGOs in the area, thirty-one Indigenous groups in North Sumatra have already submitted requests for the return of their indigenous lands/forest to MoFE. The efforts have shown encouraging results, such as the decree of customary forests by the President of Joko Widodo to nine indigenous people groups in Indonesia, including a Toba Batak group from North Sumatra.

It signifies the roles of NGOs in protecting the rights of Indigenous People in the process of indigenous-land-related development in North Sumatra. NGOs raise awareness of the community members and assist community members with their struggles through advocacy and connect them not only to other land-afflicted groups and NGOs but also to the media and the government. Hence, this strengthens community member motivations to continue with their struggle, while also widening their networks and coalitions to boost mobilization.

### 3.1.4 Land dealers

Land dealers connect landowners to buyers. From the gathered information, more than 100 transactions of land sales occurred in this period of research since 2015. This does not include other undetected transactions in the Lake Toba areas. According to the interviewees from Toba Regency, some middlemen are local Batak, who mostly live in urban areas and who feel less connected with their cultural heritage. However, as mentioned previously, as the act of selling the land was considered a ‘hushed business’, finding land dealers or land sellers for interview was challenging.



**Figure 2.** of land sale advertisements; the left side was taken by the author during 2022 fieldwork and the right side was obtained from a website (olx.com) that sells property.

The researcher utilized internet searches as an alternative to interviews with land dealers. Twenty-three e-commerce sites were found on the internet that offer land parcels for sale in the Lake Toba Area (Figure 2). Nineteen of them were property-focused websites, and three of them were general e-commerce websites. The results show the gravity of the pressures on traditional land in the research area. The land dealers exposed the land owners to potential buyers from outside of the community, which is supposed to be prohibited based on the traditional custom of the Toba Batak culture.

### **3.2 Land development and indigenous land: The perception and strategies of the different agents**

#### *3.2.1 The traditional leaders*

During the interviews, the Elders showed concerns on the threat of land development to their Indigenous land and how it will affect their cultural survival, and how people are more eager to gain economic benefit from the development despite its threat to their traditional values. One of the Elders affirmed concern of how people have less respect for their culture and tradition.

*“Nowadays people tend to ignore the tradition, especially related to the land”*  
(OP, an Elder, Samosir regency).

On the one hand, they acknowledge the significance of land development, in improving the local economy. On the other hand, there is a sense that the legal position of communal land somehow could hinder them from gaining economic benefit in the current economic system. One Raja Bius stated that the legal uncertainty of communal land is one of the biggest challenges in sustaining communal land ownership. Moreover, even if the government issued a communal land certificate, it would likely still be difficult to use it as collateral to get a loan from a bank, as it would complicate things.

*“The customary or communal land is not eligible to be used as collateral to get a loan from the bank. So, whether you want it or not, you register your land because you need the certificate.”* (PR, an Elder, North Tapanuli Regency)

In contrast with the land certification strategy, one of the villages in the study area decided to establish their official Indigenous Peoples organization as an official legal entity. They signed a written statement that they are part of the Indigenous People community and agreed not to sell their land but are open to the possibility of leasing it to investors. As a result of the advocacy and education from the local NGO, they perceived it as a way to protect their land without leaving behind the opportunity for capital gain from land development.

*“We want to protect our ancestor land and our traditions. We will only lease it to investors. We also want all investors and tourists to respect our culture.”*  
(OS, an Elder, North Tapanuli regency)

These actions indicate that while the Elders want to preserve the traditional values of their Indigenous land, they are also aware of the limitation of Indigenous land in gaining economic benefit in the current legal and economic system. While the Elders cannot prohibit the community members from certifying or selling their private indigenous land, they can initiate the establishment of an official Indigenous Peoples organization and encourage people to protect their Indigenous land. The Elders are more eager to cooperate with the NGOs in advocating their Indigenous land in conflict.

The active participation of Elders in the NGO's advocacy group inevitably encourages community members, especially those who are descendants of the Elders or have ties to disputed lands, to also be active in the NGO's advocacy group, as Elders are generally still respected by community members.

### *3.2.2 Community members*

While the Toba Batak people share the same village and tribal heritage, they have different positions within the Toba Batak traditional social structure, which influences their roles in land decision-making. Despite these varying roles, all community members are landowners in one way or another—whether they are descendants of the *Raja Bius*, indwelling *Boru*, or part of an advocacy group. This section examines the diverse perspectives and strategies of these community members as landowners, specifically as shaped by their positions in the Toba Batak social hierarchy.

Similar to traditional leaders, community members are aware of the threats posed by land development. However, they express diverse perspectives and strategies concerning individual land ownership, especially in response to anticipated tourism development. Many community members noted hearing new terms related to the Lake Toba development initiative, though they did not fully grasp the concepts. One interviewee reflected this:

*“I heard the government will develop Lake Toba as the Monaco of Asia. I do not know what Monaco is, but I think it is something good.”* (ST, descendant of the *Raja Bius* & advocacy member, Toba regency).

When discussing the prospect of selling land, community members displayed mixed opinions. An indwelling *Boru* who was not part of the advocacy group expressed reluctance but acknowledged practical considerations:

*“I know that selling our land is like throwing out our identity and disrespectful toward our ancestors, but people only sell for something urgent.”* (AS, indwelling *Boru* & non-advocacy member, North Tapanuli Regency).

While some community members are motivated to register or even consider selling their land, many still advocate for the protection of communal lands. Interviewees from a village in Humbang Hasundutan Regency emphasized the importance of safeguarding communal land, viewing collective resistance alongside local NGOs as an effective strategy:

*“We have experienced a long battle to protect our communal land. We will continue fighting, and the NGO also helped us in this fight.”* (RS, descendant of the *Raja Bius* & advocacy member, Humbang Hasundutan Regency).

Among the thirty-one Indigenous Peoples groups in North Sumatra that have submitted the request to MoFE for the returning of their Indigenous territory, three of those groups were included as respondents in this study. Their inclusion was based on adoption of more advanced strategies to reclaim ancestral lands, joining the broader movement for Indigenous rights in Indonesia.

For the Batak people, land does not only represent cultural identity but also tied to their economic opportunity. The indwelling *Boru(s)* view land registration not only as protection for their comparatively weaker land rights but also as a means of supporting their economic interests. In contrast, the *Raja Bius* and their descendants, who hold a stronger position regarding land rights, prioritize the preservation of traditional values and cultural ties to land over formal land certification.

### 3.2.3 The government

The government pressures people in the Lake Toba Areas to change through national policies. Several policies were introduced to support tourism development in the area and even received assistance from the World Bank to finance the project. The national policies also pushed the local government to assist in developing their territory revealing that the local government is more interested in economic growth initiatives. The four interviewed public officials from the regency government office possessed different perceptions regarding customary land.

The official from Samosir Regency perceived that implementing and sustaining Indigenous land law is not relevant anymore as Indonesia already has a modern legal system. Moreover, holding on to and insisting on the old custom is not helpful for land development as it can slow down land acquisition and scare investors away. He added that community members should adjust to the current situation and become more progressive if they do not want to miss opportunities for economic growth.

On the contrary, the official from the Toba Regency office stated that the local government is already trying its best to accommodate Indigenous Peoples' requests regarding land conflicts. However, many factors need to be considered and are out of their authority to resolve the problems. Further, the officials of Humbang Hasundutan and North Tapanuli regencies both acknowledged the existence of the Indigenous and communal land in their territory as well. Moreover, officials know the pressures of land development, particularly from tourism, on Indigenous land. However, they were also concerned that recognizing a particular Indigenous group would cause a domino effect where other groups also demand the same, which may restrain the development program in the area.

Out of the four regencies in this study, only three were already issued the Regional Regulation on the recognition and protection of Indigenous People in their regencies. They are Humbang Hasundutan, Toba, and North Tapanuli, while Samosir Regency has not made progress regarding a Regional Regulation for Indigenous People within the regency. Ironically, the Batak people's ancestors are believed to have originated from the Samosir Regency. Many sacred places and ancient cultural heritages in Samosir Regency are associated with the Batak people's history and the Regency is the center of Batak history and pilgrimage. This fact alone should have been the fundamental consideration for the Samosir Regency government to issue regional regulations to recognize and protect the Indigenous People' of the Batak.

### 3.2.4 The land dealer

Land dealers view Lake Toba's land development as a chance to profit by facilitating connections between landowners and buyers. They advocate that investors managing these picturesque landscapes could bring prosperity to the village, persuading both the Elders and community members that missing out on this opportunity would mean missing out on the benefits. Besides approaching Elders and registered landowners, these dealers also use online platforms to promote Lake Toba land. In certain instances, they even assist in the land certification process for the undocumented strategically positioned parcels.

*"They (land dealers) said they can help to have the communal Tanah Adat (indigenous land) certified as individual land."* (OP, an Elder, Samosir regency).

Moreover, there was even one case where a foreign investor bought the land in the Lake Toba Areas using the name of a Batak man from the city. Another extreme case is a foreign investor who married a Batak to get the Batak family name to ease their

process. One of the interviewees stated that the land dealer usually understands the local culture.

*“They (land dealers) even utilize our tradition to get the deal done by gathering the community members and carrying out the traditional ritual for the communal land transfer”* (AS, descendant of Raja Bius & leader of the advocacy group, Toba Regency).

### 3.2.5 The NGOs

The NGOs are mainly concerned about what they describe as the marginalization of Indigenous People and the sustainability of Indigenous land and local culture. They are concerned that the investors and the capital owners will overtake the area and drive out Indigenous Peoples from their lands. Moreover, they perceived the land certification program as opening a wide door for investors. Obtaining a land certificate means disentangling or even dismantling the integral power of the community. Persuading an individual is more manageable than persuading a group of people, which also means expediting the land-selling process.

*“Some land dealers will oversee the land certification process if the owner agrees to sell the land. Ultimately, the land owner’s land would be gone, and his identity would be lost.”* (The KSPPM staff, a local NGO).

The NGOs also perceive that the recognition and protection of Indigenous Peoples rights is the government’s obligation, both at the national and local levels. Hence, NGOs also push the local government in the Lake Toba areas to issue Regional Regulations to recognize and protect Indigenous Peoples and their rights. The issuance of the Regional Regulation in Toba, Humbang Hasundutan, and North Tapanuli regencies is closely tied to the work and effort of the NGOs, particularly for the indigenous land-conflict-afflicted groups.

### 3.3 Discussion: Indigenous land struggles amidst pressure for change

Lake Toba areas are experiencing a second stage of land transformation as a non-urban area with pressures for change due to land development. As part of the “Ten New Bali” projects, the land’s commercial value is on the rise, exerting constant pressure and causing the gradual disintegration of ancestral lands. For many, the current tourism development projects threaten Indigenous and communal land sustainability in the Lake Toba areas. The sentiment is not without foundation as many people in the Lake Toba areas are interested in registering their Indigenous land through land certification, which for most older generations of the Toba Batak perceive threats to traditional cultures. However, for others, tourism development is seen as an excellent opportunity to improve their area’s economy and is considered a rare opportunity that should not be missed. Such land phenomena happened not only in North Sumatra but also in various parts of Indonesia.

In this study, we found that the increasing commercial value of land (Healey and Barret, 1990) is not the only motivation that affects the actions and strategies of the identified agents. It is also affected by the weak and uncertain Indigenous land legal system and changing local cultural values. This is a condition that adversely affects the effort to keep the Indigenous and communal land intact but eases the work of the land dealers. Moreover, the traditional land tenure of the Toba Batak to a certain extent caused some people (the indwelling *Boru*) to have inferior authority in land ownership (Vergouwen, 1986). It motivates some indwelling *Boru*(s) to certify their customary land despite participating in land struggle initiatives.

Furthermore, this study identifies five key agents engaged in decision-making within indigenous communities regarding land. Healey and Barret's (1990) classification distinguished these agents into primary and secondary decision-makers based on their roles and relationships. However, within the context of this research, the distinction between primary and secondary decision-makers among the identified agents remains somewhat ambiguous. Different agents might define this differently depending on their status and interests. These agents include tribal leaders (Elders), community members as the land owner of the private land or communal land, land dealers, government officials, and NGOs, each with their varying degrees of influence and authority depending on the specific period and location of land procurements.

It is important to note the dynamic shift when considering the status of community members as indwelling *Boru*, as in such cases, Elders hold the ultimate authority in decisions concerning communal lands. Consequently, their roles in village social structures significantly influence their perspectives and strategies regarding these lands (Zhai, 2020). All of these identified agents are tied to Batak cultural values (Harvey, 2002) to varying degrees. While Elders and community members are intrinsically tied to these values due to their cultural bond, the government, land dealers, and local NGOs are connected through their roles and professions, which incorporate these cultural values. These cultural ties profoundly affect their approaches when interacting with community members, sometimes by finding loopholes in the traditional system.

Regarding indigenous land protection, the NGO and the government have different stances. By advocating and supporting Indigenous Peoples to protect their land, NGO are perceived as slowing down development and is considered a negative factor for the land dealer. The Indigenous People who are aware of the situation try to protect their interests by registering their lands; establishing an official Indigenous Peoples organization; submitting requests to the MoFE to return the Indigenous land; and affiliating with the local NGO. This shows the significant role of the NGO in protecting their land rights (Arizona, Wicaksono, & Vel, 2019; Santoso, Mutahir, Restuadhi, & Chusna, 2024) and indicates that the Indigenous People also see that working with the modern secular institutions, either the government or NGO, can assist their effort in protecting their land rights, whether individual or communal land.

Similar to other Indigenous Peoples struggles in Indonesia (Bedner & Arizona, 2019; Dhiaulhaq and McCarthy, 2020), Indigenous Peoples in the Lake Toba areas also face internal and external challenges complicating land issues. On the one hand, the Indigenous People in Indonesia, particularly in the study area, have been struggling with customary land legal uncertainty and complexities in unrecognized identity, which also causes lack of guarantees for well-being. It pushes them to utilize identity politics, even to the extent of politicizing their culture. On the other hand, they also deal with community members who fall into economic pragmatism, members with diminishing cultural value, and rising individualism. This, they say, could dissolve their Indigenous identity and communal ownership and weakens the efforts of the advocacy groups.

This study agrees that framing the Indigenous land struggle in the name of *Adat* rights is no longer adequate (Bedner & Arizona, 2019) as it could be used against the community (Dhiaulhaq & McCarthy, 2020) if they fail to fulfill all requirements during verification (Robinson, 2019; Silalahi, 2022). Moreover, a lack of empathy and political will from the national or local governments could also jeopardize the extensive and rigorous struggle of Indigenous Peoples movements.

#### 4. CONCLUSION

This study has shown that the Indigenous Peoples movement of the Toba Batak people in North Sumatra faces challenges beyond political and economic vulnerabilities, including legal uncertainty, economic pragmatism, diminishing cultural values, and a rise in individualism among community members. These internal and external challenges impact both communal land protection and individual land ownership. In addition, pressures for change in the Lake Toba area has compelled all agents to utilize their resources and capabilities to protect their interests. In some cases, safeguarding Indigenous laws requires limiting individual land rights, while loosening adherence to these law risks weakening the very foundation of Indigenous values.

The increasing interest among the community members of the Indigenous Peoples movement in certifying or selling their private lands are a fact that must be acknowledged, just as much as the ongoing struggles of various groups of Indigenous Peoples to protect their rights. Although these interests may appear divergent, empowering Indigenous People politically, especially by improving their knowledge of land rights, is urgently needed. This empowerment will enable community members to make informed decisions about their land. Additionally, effective mobilization of those striving to protect Indigenous land is essential. This could be achieved with assistance of related NGOs, who can help connect them with transnational networks, reinforcing their political and legal advocacy.

On the government side, long-overdue attention is needed for legal reforms that protect indigenous rights and support economic empowerment. Economic vulnerabilities could be improved through policies that enhance financial stability in ways that respect Indigenous practices. While individual land registration should be streamlined to reduce bureaucratic obstacles, the recognition and protection of communal land must be at the center of legal reform.

Ensuring legal certainty for Indigenous land rights is not only crucial for the community's well-being but also serves as a catalyst for sustainable land stewardship. With secure land rights, Indigenous Peoples can channel their time and energy into sustainable cultivation rather than ongoing struggles for recognition. Supporting Indigenous movements is not only a matter of human rights but also an investment in environmental resilience and cultural continuity, empowering Indigenous communities to flourish and steward their lands for future generations.

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Betty B.S. Naibaho: Conceptualization, Field-work and Data collection, Formal analysis, Funding acquisition, Visualization, Writing-Original draft and Finalization; Shew-Juan Su: Supervision, Conceptualization, Methodology, Writing – review & editing, Validation

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